



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA FIRST CLASS MAIL**

**MAR - 7 2011**

Raymond E. Johnson II, President  
Biblical Concepts Ministries, Inc.  
3036 Stratton Lane  
Jacksonville, FL 32221

RE: MUR 6345

Dear Mr. Johnson:

On August 12, 2010, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 16, 2011, the Commission exercised its prosecutorial discretion and dismissed the potential violations under 2 U.S.C. §§ 441f, 441b(a), and 11 C.F.R. § 110.4(b)(1)(iii) with respect to Biblical Concepts Ministries, Inc. On March 2, 2011, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Biblical Concepts Ministries, Inc. violated 2 U.S.C. § 441i(d)(1). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information. A Statement of Reasons further explaining the basis for the Commission's decision will follow.

If you have any questions, please contact Kimberly Hart, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Mark D. Shonkwiler  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS****MUR 6345****RESPONDENT: Biblical Concepts Ministries, Inc.****I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission by Jered Powers. *See* 2 U.S.C. § 437g(a)(1). This matter involves allegations that various Respondents violated the Federal Election Campaign Act of 1971, as amended ("Act") in connection with the transfer of \$2,000 from Biblical Concepts Ministries, Inc. ("BCM") to Marianne "Jorgine" Fields, and that the proceeds were used to make a contribution to Florida 3<sup>rd</sup> Congressional district candidate Chukwuemeka Christian Nwasike<sup>1</sup> and his principal campaign committee, Chris Nwasike for Congress and Marcus Brooks, in his official capacity as treasurer, ("Nwasike Committee").

The complaint, which is very short and inartfully drafted, alleges that Mr. Nwasike and the Nwasike Committee violated 2 U.S.C. § 441i(d)(1), which prohibits political party committees from soliciting funds or directing donations to certain Section 501(c) non-profit organizations. However, the alleged facts can also be read to assert that the \$2,000 contribution was a corporate contribution made in the name of another, in violation of 2 U.S.C. §§ 441b(a) and 441f.

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<sup>1</sup> The complainant incorrectly spells Mr. Nwasike's last name as "Enwasike."

1           The Commission found no reason to believe that Biblical Concepts Ministries,  
2 Inc. violated 2 U.S.C. § 441i(d)(1). The Commission exercised its prosecutorial  
3 discretion, pursuant to *Heckler v. Chaney*, 470 U.S. 821, 831 (1985), and dismissed  
4 potential violations under 2 U.S.C. §§ 441f, 441b(a), and 11 C.F.R. § 110.4(b)(1)(iii) by  
5 Biblical Concepts Ministries, Inc. The Commission will issue a separate Statement of  
6 Reasons setting forth the basis for the dismissal of these potential violations.

7       **II. FACTUAL SUMMARY**

8           Mr. Nwasike was a candidate seeking to be elected to represent Florida's 3<sup>rd</sup>  
9 Congressional District during the 2010 election cycle. His principal campaign committee  
10 was Chris Nwasike for Congress and Marcus Brooks, in his official capacity as treasurer  
11 ("Nwasike Committee"). Mr. Nwasike, BCM President Robert Johnson, and the  
12 complainant, Jerod Powers, appear to have been the principal organizers of a March 26,  
13 2010, Keep God In America ("KGIA") rally held in Jacksonville, Florida. BCM, a non-  
14 profit corporation registered with the state of Florida, was the host of the KGIA rally. Jay  
15 and Jorgine Fields were self-employed individuals who were assistant coordinators for  
16 the KGIA event. At the time of the filing of the Nwasike Committee's Statement of  
17 Organization on May 17, 2010, its treasurer was Jay Fields, who also served as treasurer  
18 for the KGIA rally.

19           On April 28, 2010, the same day that Mr. Nwasike submitted his Statement of  
20 Candidacy, Mr. Nwasike instructed Jay Fields, acting treasurer for the KGIA rally, to  
21 write a \$2,000 check payable to his wife on a BCM corporate bank account. The BCM  
22 check signed by Mr. Fields includes the notation that the payment was for "service

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1 rendered." The Nwasike Committee claims that Mr. Nwasike was a BCM officer at the  
2 time, and it asserts that the payment was duly authorized by BCM officers, although the  
3 Committee does not identify these officers. *See Nwasike Committee Response.*

4 BCM denies that Mr. Nwasike and Mr. Fields had the authority to pay \$2,000 to  
5 Mrs. Fields. BCM President Johnson states that Mr. Nwasike influenced Mr. Fields, the  
6 treasurer for the KGIA rally to help him funnel funds from the non-profit ministry to his  
7 political campaign without Johnson's knowledge.

8 The Fields' responses indicate that Mrs. Fields accepted the BCM check in order  
9 to make a contribution to the Nwasike Committee. *See Responses.* Mrs. Fields states  
10 that after the March 26<sup>th</sup> rally, she and her husband had consistently refused offers of  
11 payment for their expenses and services, but she eventually took the pay authorized by  
12 Mr. Nwasike in order to contribute the funds to Nwasike's campaign. *See Jorgine Fields*  
13 *response.* In addition, Mrs. Fields states that Mr. Nwasike returned the money to her, and  
14 she returned the money to KGIA. *Id.* According to Mr. Fields, Mr. Nwasike wanted the  
15 Fields to have this money since they had endured some financial hardships, so he  
16 instructed Mr. Fields to write a check to his wife to "compensate us for our losses." *Id.*

17 Further, Mrs. Fields' second response states that "We did not handle the donation  
18 to Chris Nwasike right, whether legal or illegal. We have been trusting that returning that  
19 money took care of everything, and still are." *See Jorgine Fields Supplemental Response.*  
20 Mrs. Fields also states, "I am older [than Nwasike], and need to be responsible to show  
21 him the way and hold our actions accountable." *Id.*

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1           The Nwasike Committee reported receiving a \$2,000 contribution from Mr. Fields  
2   on April 28, 2010, the same day that Mr. Fields wrote the BCM check payable to his  
3   wife. *See* Complaint, last page of attachments. The Nwasike Committee's response  
4   similarly indicates that it received the contribution check from Mr. Fields. Nwasike  
5   Committee Response at 2, 3. For reasons that are unclear, however, the complaint asserts  
6   that the contribution to the Nwasike Committee was from Mrs. Fields (the payee on the  
7   BCM check). While the Fields' responses do not dispute the complaint's contention, and  
8   Mrs. Fields seems to indicate that she made the contribution, the Fields do not  
9   specifically address which of them wrote the actual contribution check, and we do not  
10   have a copy of that check. *See* Responses. In any event, the Nwasike Committee  
11   refunded the contribution to Mr. Fields on June 30, 2010, and Mr. Fields was the  
12   Committee treasurer at the time. *See* Nwasike Committee July 2010 Quarterly Report.

13           The Nwasike Committee argues that there is no evidence to support the allegation  
14   that it violated 2 U.S.C. § 441i(d)(1) or that it and the other respondents agreed or  
15   conspired to undertake "any activity in violation of Federal election law." The  
16   Committee further contends that the \$2,000 contribution check to the Committee was  
17   drawn on the personal account of Mr. Fields, a natural person and United States citizen,  
18   and was not excessive, and thus was a legal contribution. BCM denies that Mr. Nwasike  
19   and Mr. Fields had the authority to pay \$2,000 to Mrs. Fields. BCM President Johnson  
20   states that Mr. Nwasike influenced Mr. Fields, the treasurer for the KGIA rally to help  
21   him funnel funds from the non-profit ministry to his political campaign without  
22   Johnson's knowledge.

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1     **III.     LEGAL ANALYSIS**

2             Section 441i(d)(1) prohibits certain types of activity by political party committees  
3     and is inapplicable to the facts in this matter. Accordingly, the Commission found no  
4     reason to believe that Biblical Concepts Ministries, Inc. violated 2 U.S.C. § 441i(d)(1).

5             The Commission exercised its prosecutorial discretion, pursuant to *Heckler v.*  
6     *Chaney*, 470 U.S. 821, 831 (1985), and dismissed the potential violations under 2 U.S.C.  
7     §§ 441b(a), 441f, and 11 C.F.R. § 110.4(b)(1)(iii) with respect to Biblical Concepts  
8     Ministries, Inc. The Commission will issue a separate Statement of Reasons setting forth  
9     the basis for the dismissal of these potential violations.

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